

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figures 2, 4 and 5. These sheets, which include Figures 1 - 6, replace the original sheets including Figures 1 - 6. Figure 2 has been changed to read as Figure 2a. Figure 2b has been added to show a closer view of what is depicted as item 72 in Figure 2a. In Figure 4, previously omitted element 15 has been added. In Figure 5, element 28 has been changed to read as element 31 and previously omitted element 15 has been added.

Attachment: Replacement Sheets  
Annotated Sheets Showing Changes

## **REMARKS**

1. The Abstract stands objected to for containing the implied phrase, "The present invention ...." In response the Abstract has been amended to remove the objectionable language.

~~The present invention relates to a~~ A parking brake lever unit 1 is provided for the use in a motor vehicle, comprising a parking brake lever 10 made of plastic material, a support 20 made of plastic material, at which the parking brake lever 1 is pivotably supported and a locking unit 40, 26, comprising a pawl 40, which is mounted at the parking brake lever 10, and a ratchet insert 26, wherein the ratchet insert 26 comprises of a metal and is over molded within the support 20.

2. The Drawings stand objected to on various procedural grounds. Applicants have attached proposed amended drawings believed to overcome the Office's several concerns.

In particular:

(a) In Fig. 2a (original Fig. 2), element 1 has been amended to include an arrowed leader line;

(b) In new Fig. 2b, the shaft head end underside latches 73, which are disposed beneath the shaft head end latch actuators 72, have been added;

(c) In Fig. 4, a leader line and the numeral 15 have been added to direct attention to the self-lubricating bearing or half-bearing ring assembly 15; and

(d) In Fig. 5, the numeral 28 has been changed to 31, element 20 has been amended to include an arrowed leader line, and a representation a self-lubricating bearing or half-bearing ring assembly 15 has been added.

Corresponding amendments have been proposed for the specification, and no new matter has been added. Applicants kindly request approval of the proposed changes at the Office's next convenience.

3. Claim 11 stands objected to as containing a typographical error. The term "ribbed" as been replaced with the term "ribbed" in the claim amendments enclosed herewith.

4. Claims 6, 8-10 and 15 stand rejected under 35 U.S.C. § 112 as failing to particularly point out and distinctly claim the subject matter of the invention because of a lack of clarity as to the claim terms "bearings," or "half-bearings." With reference to the amended

drawings, it is clear one or more of the lever 10, support 20, or shaft 70 is equipped with a self-lubricating bearing or half bearing assembly, for example, a self-lubricating ring type bearing or half-bearing assembly packed with grease or the like.

5. Claim 6 stands rejected under 35 U.S.C. § 112 as lacking antecedent basis for the word “it.” The word “it” has therefore been amended to read, “the shaft” for greater clarity.

6. Claim 8 stands rejected under 35 U.S.C. § as being indefinite for containing the term, “technical.” The objectionable term has therefore been deleted in the attached claim amendments.

7. Claims 6 and 15 stand rejected under 35 U.S.C. § as being indefinite for containing the term “can be.” In each instance, the objectionable language has been deleted in the attached claim amendments, and replaced with the more definite term, “is.”

## ARGUMENTS

Claims 1-3, 5-6 and 8-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer (EP 1127760 A2) in view of Burgstaler (US 2003/0140726 A1). The rejection is respectfully traversed.

The Office correctly states that reference EP 1 127 760 A2 (“Bauer”) teaches a parking brake lever unit for use in a motor vehicle, comprising: a parking brake lever (8) of plastic material; a support (3, 7) at which the parking brake lever (8) is pivotally supported; a locking unit; comprising a pawl (5) mounted at the parking brake lever (8) and a ratchet insert (6). Bauer therefore teaches the invention substantially as claimed, except for:

- (a) the plastic material for the supports (3, 7); and
- (b) the overmolded metal for the ratchet insert (6).

To satisfy these lacking features, the Office cites US 2003/0140726 A1 (“Burgstaler”), which was published after the present application’s priority date of April 3, 2003 (with Burgstaler having been later published on July 31, 2003). Moreover, while the ‘726 publication did ultimately mature into a patent, it would appear that the exception to 35 U.S.C. § 102(e) would disqualify the reference from citation in a § 103 rejection because the ‘726 publication’s international parent was filed in German rather than English. Assuming for the moment that the Office agrees, Applicants kindly request withdrawal of the ‘726 publication as a basis of rejection, and the claims against which the publication was cited allowed at an early date.

Should the Office disagree, Applicants still traverse the rejection on the following grounds:

To begin with, Burgstaler shows a holding device for the pedal mechanism of a motor vehicle, comprising a plastic baseplate (3) at which two pedal blocks (1, 2) are integrally formed. The pedal block holds the two pedals (4, 6) and is made of two side walls (8, 9) and (10, 11) that are formed of a sheet metal which are injection molded in the plastic pedal block (1, 2). The sheet metal mount forms a deformation device for the release of the pivot axis (5, 7) in the case of an accident of the motor vehicle.

Nonetheless, the Office contends that it would be obvious for one of ordinary skill in the art to use the plastic material of the baseplate (3) instead of a metal cast material for the support (3) in the Bauer reference.

However, it appears that Burgstaler teaches to **not** use a plastic material alone for the support of a pedal, because the support of the pedal is actually achieved by two side walls formed of a sheet metal that are simply held within the plastic pedal block. Therefore, if one adapts this concept to the support member of Bauer, then likewise a sheet metal would be used as the support for the hand brake lever (1, 2).

Moreover, even if the support (3) of Bauer were made of a plastic material instead of a light metal alloy, the same attachment principle would have been used for the ratchet insert (6), namely to fix the ratchet insert (6) by screws, rivets or the like as it is shown in Fig. 1. Accordingly, neither Bauer nor Burgstaler teach that the ratchet insert is overmolded within the support, since (i) Burgstaler does not teach a ratchet insert at all, and (ii) Bauer teaches that the ratchet insert is somehow “supported” at a holding flange (7) of the support block (3). An overmolding of the ratchet insert is simply not taught or suggested by the references, whether considered alone or in combination.

With respect to various other specific claim rejections, Applicants further note the following:

**a. Claim 2**

The Office contends that Bauer teaches that the ratchet insert is integrated into the support (3) so that substantially only the locking teeth are exposed. Applicants disagree. As it can be seen in Fig. 1, the complete ratchet insert is exposed (at least from the visible side) since it is only “supported” by a holding flange of support (3).

**b. Claim 3**

Applicants agree with the Office to the extent that the ratchet insert (6) of Bauer appears to comprise mounting holes. However, if the ratchet insert is not overmolded, these holes can not be filled with plastic material during injection molding as is described and claimed in the instant application. Since an injection molded plastic material is affirmatively claimed as a structural feature of the parking brake lever unit, and not merely a feature of a manufacturing method, such features cannot be ignored.

**c. Claim 5**

Claim 5 claims a parking brake lever that pivotally supported by means of a shaft disposed within the support, wherein the shaft comprises a plastic material. Neither Burgstaler

nor Bauer show a shaft that is made of a plastic material. Instead, Burgstaler in paragraph 25 teaches only a pivot axis (5, 7) that is not defined in terms of material composition.

**d. Claim 6**

Claim 6 includes a self-locking shaft, which comprises integrated latching elements so that it can be mounted within the support without additional mounting elements. The shaft (15) of Bauer is mentioned only in claim 17 and is not defined in terms of material composition. Further, Bauer does not teach that the shaft is a self-locking shaft that comprises any integrated latching elements. In fact, there appears to be no disclosure at all regarding the manner in which the shaft 15 is mounted to the parking brake lever unit. Bauer discloses only elements 14, 16, and 16a of the parking brake lever and no elements of a shaft. More particularly, Bauer element 14 appears to be a bearing housing for the hand lever, and elements 16 and 16a appear to be hooks for the pulling rod 4.

**e. Claim 7**

With reference to the grip on a grip area of the parking brake lever, the Office again cites to the references Bauer and Burgstaler, and also to the additional reference EP 0933270 A1 to "Ruf." Bauer teaches a grip that is be pushed over area 10 of the hand grip. The grip comprises latching elements on the inside for mechanical fixing of the grip on the lever 8 (see paragraph [0035]). Ruf was cited to show the motivation to use plastic instead of metal; however, it does not teach to overmold the grip. Burgstaler does not show a parking brake having a handgrip at all. In short, none of the art of record, whether considered alone or in combination, teach an over-molded grip attached onto the parking brake lever as claimed in claim 7.

**f. Claims 8, 9 and 10:**

Burgstaler teaches a only plastic material polyamide for making the hand lever, and tetrapolyethylene as a material of the seal (27). While TPE may be suitable for providing a seal, it is not at all a suitable plastic material comprising self-lubricating characteristics. To the contrary, TPE is a well-known *rubber*-like elastomere that has no self-lubricating characteristics at all.

The claimed PTFE (polytetrafluoroethylene, known also as Teflon™) is a totally different material with self-lubricating characteristics. The same arguments also apply for claims 9 and 10.

With further respect to claim 8, the Office refers additionally to the document US 7,051,616, "Yokochi et al", which teaches a plastic material comprising additives such as PTFE (see, for example, col. 4, line 62 - col. 5, line 2). Again, however, it appears this reference is not eligible for citation under § 103 because it was filed in the U.S. after the subject application's priority date, and there is no evidence of record that the reference's underlying Japanese application was later published in English.

**g. Claim 14**

With respect to claim 14, it is important to note that the support of Bauer does not comprise any integrated latching elements for mounting the parking brake lever unit at the vehicle. Instead the support (3) of Bauer appears to be mounted to the car body by screws. Similarly, Burgstaler Fig. 4 appears to show a baseplate (3) having no latching elements at all. From Fig. 1, it appears that this baseplate (3) is also mounted to the car body of a car by screws or rivets.

**h. Claim 15**

With respect to claim 15, the Office refers to elements with the reference number 8 - 11. However, those elements are side walls made of sheet metal that hold the pedals. In contrast, the claimed metallic mounting inserts in the plate are inserts used to mount the plastic plate to the car body. Such metallic mounting inserts are therefore not taught by Burgstaler as the Office contends.

### **Conclusion**

In view of the foregoing, Applicants submit that all outstanding grounds of rejection pending in the case have been overcome, and all claims presented herein are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the case at an early date are respectfully requested.

If necessary, please charge any additional fees, deficiencies, or credit overpayment to Deposit Account No. 50-2413 of Adams and Reese LLP.

Respectfully submitted,

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